

## **702 KAR 3:135. Bidding procedures.**

RELATES TO: KRS 45A.343, 156.031, 156.070, 156.076, 424.260

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.343 authorizes school districts to elect to procure pursuant to KRS 45A.345 through 45A.460 or under KRS 424.260. KRS 156.070 gives the Kentucky Board of Education the management and control of the public schools and gives it authority to prescribe administrative regulations necessary for the efficient management, control, and operation of the schools under its jurisdiction. KRS 156.076 allows a board of education, under certain conditions, to advertise for bids and award contracts for supplies and equipment covered by price contracts secured by the Department of Finance at the request of the Kentucky Board of Education. KRS 424.260 requires a school district to make newspaper advertisements for bids for purchases of certain materials, supplies, equipment, or contractual services exceeding \$20,000. This administrative regulation establishes the bidding procedures to be utilized by boards of education if applicable.

Section 1. For a school district electing not to adopt KRS 45A.345 to 45A.460, the following shall apply:

(1) Notices for bidding advertised by boards of education for purchases of materials, supplies, equipment, or contractual services, where advertising for bids is required or allowed by statute, shall describe the materials, goods or services to be bid and the time and place for the receipt and opening of bids;

(2) All bids shall be submitted in writing, typewritten or in ink as to be legible, and sealed, and they shall be opened and read publicly at the time and place designated for the bid opening;

(3) A bid shall not be changed after it is opened. This shall not prevent the acceptance or rejection of alternates which are specified as a part of the regular bid forms and specifications. Negotiation of contracts subsequent to the time bids are submitted shall be prohibited. Late bids or proposals shall not be considered;

(4) If the lowest bid is not accepted, the board shall record in the minutes the reasons for the rejection;

(5) All bids submitted and related information shall be filed and made available for review by interested parties, except for information exempted pursuant to KRS 61.878; and

(6) Notification of the awarding of the contract shall be given in writing to all bidders. This notice shall include a list of all bidders together with their bid amounts.

Section 2. A bid which does not conform to this administrative regulation or does not conform with the contract specifications shall be rejected as being nonresponsive. A bid which is accepted in non-compliance with this administrative regulation shall be void. (7 Ky.R. 283; eff. 10-1-1980; 16 Ky.R. 1251; eff. 2-3-1990; 17 Ky.R. 2019; eff. 2-7-1991; 28 Ky.R. 1205; 1633; eff. 1-14-2002; Crt eff. 11-16-2018.)